



DEPARTMENT OF THE ARMY

BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

March 08, 2023

REPLY TO
ATTENTION OF:

Environmental Analysis Team

SUBJECT: Bird Island Pier, Erie County, New York - Request for Coastal Management Program Consistency Determination Concurrence for Bird Island Pier Repair Project

Jeffrey Zappieri, Supervisor
Consistency Review Unit
Office of Planning and Development
New York Department of State
One Commerce Place, Suite 1010
99 Washington Avenue
Albany, New York 12231-0001

Dear Mr. Zappieri:

Enclosed for your review and comment is the Coastal Management Program Federal Consistency Determination for the proposed discharge of fill material associated with the Bird Island Pier repair project in the City of Buffalo, Erie County, New York.

The USACE-Buffalo District has requested Water Quality Certification for the subject project from the New York State Department of Environmental Conservation, or waiver thereof, under Section 401 of the Clean Water Act.

In accordance with Coastal Zone Management Regulations 15 CFR, Part 930.34(a), the USACE has determined that the repairs required to maintain Bird Island Pier would be undertaken in a manner which is consistent to the maximum extent practicable with the New York State Coastal Management Program. The enclosed Federal Consistency Determination documents this determination. Please advise us regarding your concurrence with these determinations by May 08, 2023.

If you have any questions pertaining to this matter, please contact Ryan Gmerek of my office at (716) 879-4268, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, or by e-mail at: Ryan.L.Gmerek@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Martin P. Wargo".

Martin P. Wargo, PWS
Supervisory Biologist
Environmental Analysis Team

Enclosure

NEW YORK STATE COASTAL MANAGEMENT PROGRAM FEDERAL CONSISTENCY DETERMINATION

PROJECT NAME: Bird Island Pier Repair
TYPE OF PROJECT: Operations and Maintenance
COUNTY: Erie County

1. PROJECT DESCRIPTION

Bird Island Pier is located at the confluence of Lake Erie and the Niagara River in the City of Buffalo, Erie County, New York (Figure 1). Bird Island Pier along with the Buffalo Harbor west breakwater, old breakwater, and north breakwater protect the shoreline from severe wave action, flooding, and storm damage.

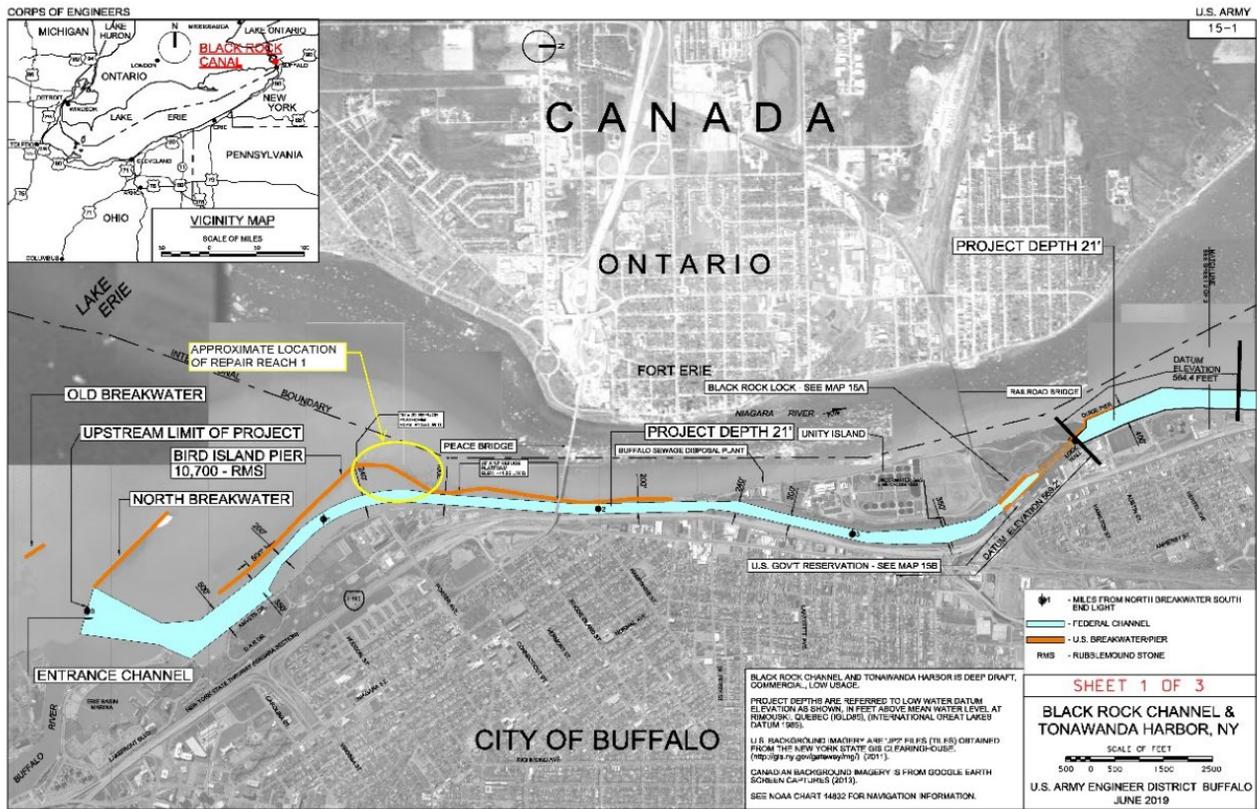


Figure 1. Bird Island Pier Repair Location Map

In October and November 2021, USACE Buffalo District engineers conducted an inspection of all accessible portions of the Bird Island Pier at and above the water line. The most severely damaged portions of the pier were identified. Loss of armor stone, undermining of existing underlayer stone and grout loss is evidently the result of ice and wave action.

The proposed activity includes repairs to approximately 1,300 linear feet of the central portion of Bird Island Pier between Stations 67+00 to 54+00 (i.e., Repair Reach 1) (Figure 2).

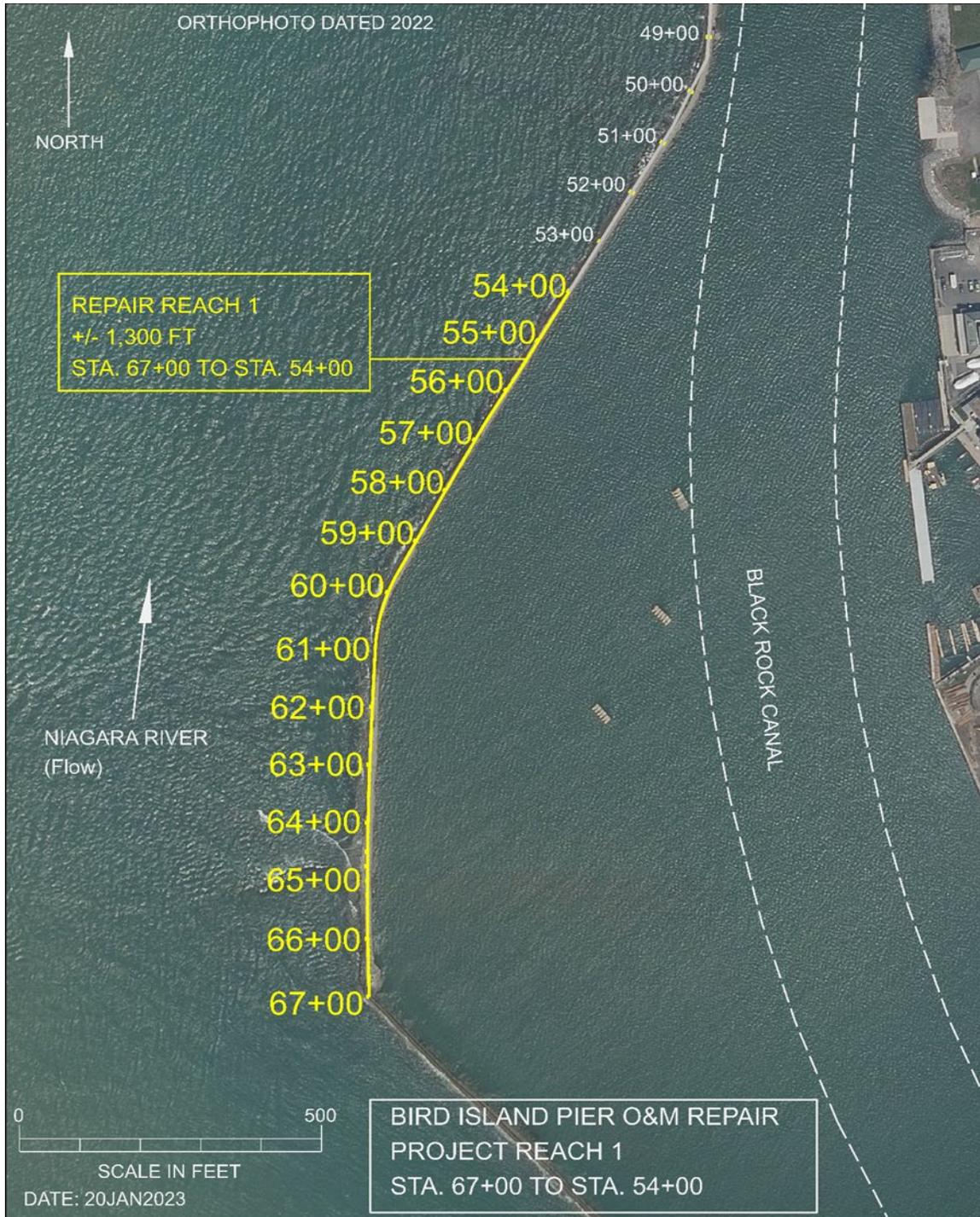
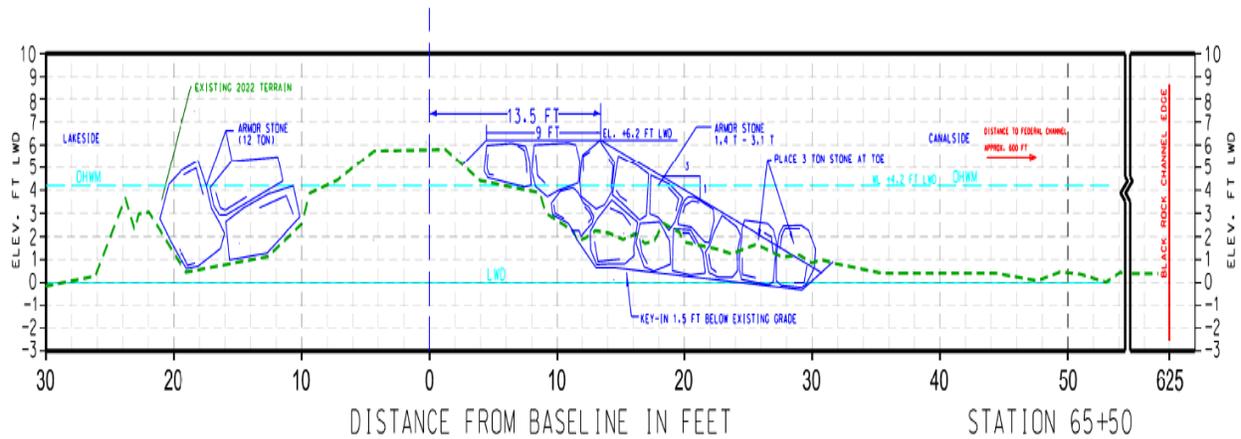


Figure 2. Bird Island Pier Repair Project Reach 1 (STA. 67+00 to STA 54+00)

The proposed activity would include leaving the existing pier in place, while armoring the lakeside with armor stone and the channel side of the pier with stone overlay. Figure 3 provides a cross section of the proposed activity.



ALTERNATIVE 2. ARMOR STONE ON LAKESIDE, STONE OVERLAY ON CHANNELSIDE & LEAVE EXISTING PIER IN-PLACE

Figure 3. Cross-section of the proposed activity (Alternative 2): armor stone on lakeside, stone overlay on channel side, leave existing pier in place, and omit walkway

The proposed activity would include the placement of approximately 7,500 tons of stone below the Lake Erie ordinary high-water level (OHW), which is 573.4 feet International Great Lakes Datum, 1985). The proposed activity will place approximately 2,432 tons of armor stone (12-ton armor stone) lakeside of the Bird Island Pier and approximately 5,068 tons of stone overlay (1.4-3.1-ton stone) in the channel side of Bird Island Pier. The 1,300 linear feet of lakeside armor stone would extend from the west side of the pier ten feet into Lake Erie. The installation of approximately 1,300 linear feet of stone overlay would extend from the east side of the existing pier, approximately 25.5 feet in the Black Rock channel. Overall, the project would result in direct impacts to approximately 111 square feet (SF) of lake bottom below the Lake Erie OHW (Figure 4 – southernmost portion of Section Z).

Additionally, the project would include 3,100 linear feet of repairs to damaged concrete sections of Section Y (Figure 4). This activity would repair the original pier cross section and would not modify the existing pier footprint. There would be no fill below OHW for this portion of the project.

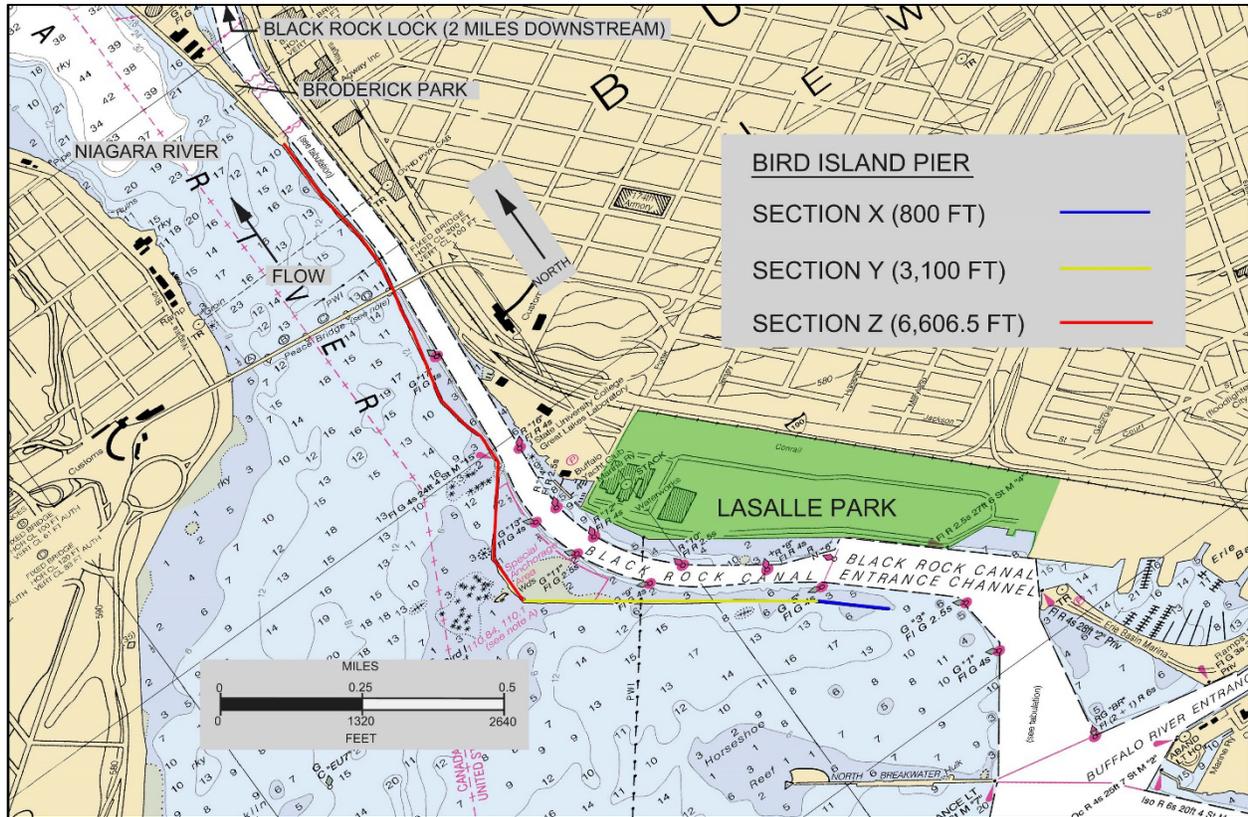


Figure 4. Plan view drawings showing Bird Island pier sections

2. ALTERNATIVE PLANS

The No Action Alternative was considered but rejected. Under this alternative, no federal action would be taken to repair the deteriorating Bird Island Pier. Without action, the unimproved central portion of Bird Island Pier would fall into further disrepair and given enough time, would ultimately fail. This alternative would likely result in further deterioration and could potentially have an adverse impact on navigation and public safety.

The USACE design team developed six alternatives (including the No Action alternative) for repair of Bird Island Pier Repair Area 1. The six alternatives included:

- Alternative 1 – No Action
- Alternative 2 – Armor Stone on Lakeside, Stone Overlay on Channel Side and Leave Existing Pier in Place
- Alternative 3 – Armor Channel Side, New Concrete Cassion with Walkway, and Leave Existing Pier in Place
- Alternative 4 – Move Pier Footprint and Build New Breakwater Using Quarry Stone
- Alternative 5 – Move Pier Footprint, Build New Breakwater Using Quarry Stone and Concrete Armor Units
- Alternative 6 – Ice Deflector

3. EVALUATION

The USACE has analyzed the proposed project with respect to the applicable policy statements presented in Part II, Section 6 of the August 1982 State of New York Coastal Management Program and Final Environmental Impact Statement. The following 14 policy statements have been determined to be applicable to the proposed action:

Policy 2: Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

Consistency Statement: The maintenance repair of the Bird Island Pier would maintain the water-dependent uses of Lake Erie and the Black Rock channel.

Policy 7: Significant Coastal Fish and Wildlife Habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.

Consistency Statement: After review of the New York State Geographic Information Gateway, the Bird Island Pier is within the North Buffalo Harbor designated significant coastal fish and wildlife habitat area. North Buffalo Harbor is located in the northeast corner of Lake Erie, at the head of the Niagara River, in the City of Buffalo, Erie County. The fish and wildlife habitat is approximately 800 acres of open water within the lake and upper river channel, extending roughly from the mouth of the Buffalo River to the Peace Bridge.

There would be localized and temporary adverse impacts to fish and wildlife while placing the armor stone and stone overlay. Disruption and disturbance by equipment during repair activities would result in a short-term avoidance of the project area by local wildlife species. However, after the pier repairs are complete, fish and wildlife would be expected to return to the project area. Long term, the pier repairs may benefit fish species as the armor stone and stone overlay would create interstitial spaces, allowing fish to utilize the pier repairs as habitat. The repairs would also enable the continued protection of the Buffalo shoreline from current and wind-driven wave erosion.

Repair activities would be restricted to avoid any adverse impacts to fish and wildlife resources, particularly with respect to fishery spawning activities. An environmental window (if necessary) would be developed through coordination with appropriate environmental resource agencies.

The impact from the Bird Island Pier repairs on fish and wildlife habitat would be minor, direct, intermittent, short-term and localized, and result in no population-level responses.

Policy 9: Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.

Consistency Statement: The Bird Island Pier repairs would improve the condition of the pier and shelter a portion of the Black Rock channel. This in turn would create more recreational opportunity by allowing safe passage from Lake Erie to the channel.

Policy 11: Buildings and other structures will be sited in the coastal area so as to minimize

damage to property and the endangering of human lives caused by flooding and erosion.

Consistency Statement: The proposed Bird Island Pier repair project would have no effect on flooding or erosion damage to adjacent coastal areas.

Policy 12: Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

Consistency Statement: The proposed Bird Island Pier repair project would have no effect on natural protective features including beaches, dunes, barrier islands, and bluffs.

Policy 14: Activities and development including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.

Consistency Statement: The proposed Bird Island Pier repair project would help restore the structural integrity of the pier and help provide continued protection of the Black Rock channel and shoreline from wave action.

Policy 16: Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

Consistency Statement: The proposed Bird Island Pier repair project will allow the federal project to continue to provide protection of Black Rock channel and shoreline from Lake Erie wave action.

Policy 18: To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.

Consistency Statement: The Bird Island Pier repairs would not constitute a major action.

Policy 19: Protect, maintain, and increase the level and types of access to public water-related recreational resources and facilities.

Consistency Statement: Except for temporary closure of the pier during work activities, the proposed Bird Island Pier repair project would help protect and maintain access to public water-related recreation resources and facilities by helping to protect navigation.

Policy 20: Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

Consistency Statement: The Bird Island Pier repairs would not reduce access to publicly-owned coastal lands and/or waters.

Policy 21: Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related used along the coast.

Consistency Statement: The Bird Island Pier repairs would facilitate continued water-enhanced recreation (i.e., birdwatching, fishing, boating, etc.).

Policy 23: Protect, enhance and restore structures, districts, areas, or sites that are of significance in the history, architecture, archeology, or culture of the State, its communities, or the Nation.

Consistency Statement: There are no registered historic properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project. In the event that unrecorded historic or archaeological remains are encountered during the course of the repair operations, the State Historic Preservation Office will be notified and appropriate measures will be taken to protect and preserve their integrity.

Policy 30: Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.

Consistency Statement: The proposed Bird Island Pier repair project will conform to all state and national water quality standards.

Policy 41: Land use or development in the coastal area will not cause national or state air quality standards to be violated.

Consistency Statement: The operation of construction equipment would result in short-term increased emissions of pollutants (suspended particulates, nitrogen dioxide, carbon monoxide) into the local atmosphere. The release of these pollutants is not expected to result in any long or short-term exceedance violations of State air quality standards.

4. CONCLUSION

The U.S. Army Corps of Engineers, Buffalo District has analyzed the proposed action with respect to the above 14 applicable management policies presented in Section 5 of the New York State Coastal Management Program and Final Environmental Impact Statement. In accordance with Coastal Zone Management Regulations 15 CFR, Part 930.34(a), the USACE has determined that the proposed Bird Island Pier repairs would be undertaken in a manner which is consistent to the maximum extent practicable with the New York State Coastal Management Program.



Coastal Assessment Form (CAF)

City of Buffalo - Office of Strategic Planning

In accordance with the City of Buffalo Waterfront Consistency Review Law, no approval may be granted for an applicable project in the coastal area without first receiving a determination of consistency with the Local Waterfront Revitalization Program (LWRP) from the City Planning Board.

Procedure

1. If registration is required, register the project with the Department of Permit and Inspection Services (DPIS) in Room 301 of City Hall.
2. Complete the Coastal Assessment Form (CAF), including supplemental descriptive documentation and other submittals, as outlined under Required Submittals on page 2 of this form.
3. Deliver the required number of submittal copies to Room 901 City Hall.
4. Staff will review the CAF (including required supplemental descriptive documentation and other required submittals) and determine if it is complete.
 - a. **A CAF is complete if:** All questions on the CAF have been answered and all supplemental descriptive documentation and other required submittals have been attached.
 - b. **An application is not complete if:** One or more questions on the CAF have not been answered or if the supplemental descriptive documentation or any other required submittals are missing. Notice will be provided to the applicant identifying any needed changes.
5. Once the CAF is determined complete, the applicant will receive a Notice of Complete CAF which includes a date to appear in front of the City Planning Board. Until a Notice of Complete CAF is received, the project will not be scheduled on a Planning Board meeting agenda regardless of the date the CAF was submitted.
6. Attend the City Planning Board meeting to discuss the project's consistency with the LWRP.
7. The City Planning Board will review the CAF and make a determination of the project's consistency with the LWRP. Once the City Planning Board has made a determination, you will receive a written notice.



Coastal Assessment Form (CAF)

City of Buffalo - Office of Strategic Planning

Required Submittals

The following list provides a summary of the required submittals, including the CAF, for the City Planning Board to determine a project's consistency with the LWRP. Depending on the scope of the project, the Director of Planning may waive certain submittal requirements and/or require additional information. If the CAF is being submitted along with a Major Site Plan Review application, only those submittals listed below that have not been included with the Major Site Plan Review application are required.

1. CAF and Supplemental Descriptive Documentation

Submit: Ten (10) copies of the completed CAF, including supplemental descriptive documentation.

- Complete all three sections of the CAF.
- Provide supplemental descriptive text for each impact (positive or negative) that the project will have on an LWRP policy objective, as indicated under CAF Section 2 (Impacts on LWRP Policies).
- Provide supplemental descriptive text for each "Yes" response indicated under CAF Section 3 (Coastal Assessment).

2. Site Plan

Submit: Ten (10) copies measuring no larger than 11" x 17"

- Date of preparation, clear scale, north arrow, and dimensions
- Project boundaries and total area
- Dimensions of lots, property lines, and adjacent rights-of-way
- Relationship to adjacent public infrastructure (sidewalks, roadways, street lighting, street trees, traffic control devices, right-of-way signs, catch basins and inlets, parks and open spaces, water and sewer services)
- Existing and proposed site improvements (structures, easements, vehicular and pedestrian access, landscape, established trees, fences or walls, stormwater facilities, lighting, parking and loading facilities, signs)

3. Map of Adjacent Conditions

Submit: Ten (10) copies measuring no larger than 11" x 17"

- Existing natural features on and within 200 feet of the site (water bodies, wetlands, floodplains, shoreline buffers, steep slopes, federal or state significant habitats)
- Designated local, state, or national landmarks or historic districts on and within 200 feet of the site

4. Additional Information

Submit: Ten (10) copies measuring no larger than 11" x 17"

- Provide additional information that may be necessary or helpful for the City Planning Board to make a determination on the project's consistency with the LWRP. Such information may include images, renderings, architectural elevations, and/or other documentation.

5. Electronic Copy

Submit: One electronic copy of all required submittals listed above.

COASTAL ASSESSMENT FORM

Project Sponsor Information

Name: _____
Department/Organization: _____
Mailing Address: _____
State: _____ Zip Code: _____
Federal Id# _____ Charities Registration # _____

Project Description

Project Name: _____
SBL: _____
Address: _____
Zip Code: _____
Council District: _____
Project Proponent Property Interest (own, lease, easement or other): _____

Authorized Official

Name: _____ Title: _____
Business Address: _____
State: _____ Zip Code: _____
Telephone Number: _____ Cell Number: _____
Fax Number: _____
E-Mail Address: _____

Project Point Of Contact

Name: _____ Title: _____
Organization/Firm: _____
Business Address: _____
State: _____ Zip Code: _____
Telephone Number: _____ Cell Number: _____
Fax Number: _____
E-Mail Address: _____

DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of department action (check appropriate response):
 - (a) Directly undertaken (e.g. capital construction, planning activity, department regulation, land transaction) _____
 - (b) Financial assistance (e.g. grant, loan, subsidy) _____
 - (c) Permit, approval, license, certification _____
 - (d) Department undertaking action: _____
2. Describe nature and extent of action: _____

3. Location of action: _____
4. Size of site: _____
5. Present land use: _____
6. Present zoning classification: _____
7. Describe any unique or unusual land forms on the project site (i.e. steep slopes, swales, ground depressions, other geological formations):

8. Percentage of site which contains slopes of 15% or greater: _____
9. Streams, lakes, ponds or wetlands existing within or contiguous to the project area?
 - (1) Name: _____
 - (2) Size (in acres): _____
10. Will the action be directly undertaken, require funding, or approval by a state or federal department?
Yes ___ No ___ If yes, which state or federal agency? _____

Please indicate if the project will have no impact, a positive impact or negative impact on the LWRP policy objectives listed below. In addition, descriptions of any impacts, especially as they relate to any indicators that may be specified for policy objectives, must be attached to this form. **Note that the full policy text may be referenced in the LWRP document.**

Goal/Policy		Impact			Indicators
#	Objective	0	+	-	
1. Holistic Coastal Program					
1A	Safeguard economic, social and environmental interests of the state and its citizens.				
2. Safeguard Quality and Quantity of Great Lakes Fresh Water					
2A	Discharges to coastal waters will meet water quality standards				<ol style="list-style-type: none"> 1. Compliance with Buffalo Sewer Authority (BSA) Industrial Discharge Permitting 2. Chapter 491 Article III of the Buffalo Code regarding water pollution
2B	Control stormwater runoff and CSO's into LWRA				<ol style="list-style-type: none"> a. The BSA CSO Long Term Control Plan b. City of Buffalo and BSA erosion control and post construction stormwater management requirements
2C	Limit discharges from vessels into coastal waters				<ol style="list-style-type: none"> a. Lake Erie Lakeside Management Plan b. Buffalo and Niagara River Remedial Action Plan] c. Provide pump out facilities to discourage the discharge of sewage within the City of Buffalo LWRA d. Provide boat wash down facilities to discourage the transport of aquatic invasive species e. Provide measures to prevent spillage of petroleum at marina fueling stations and measures for the efficient and effective cleanup of spills f. Minimize runoff from boatyards and service areas to prevent petroleum, paints, solvents & other environmentally harmful substances from entering surface waters.
2D-2F	Conserve and protect the quality and quantity of surface waters				<ol style="list-style-type: none"> a. Lake Erie Lakewide Management Plan b. Niagara River Toxics Management Plan c. Buffalo and Niagara River Remedial Action Plan d. Environmental contamination to tributaries of Lake Erie, including the Buffalo River, Scajaquada Creek, and Cazenovia Creek e. Great Lakes Compact water quantity and conservation provisions f. Buffalo River Improvement Corporation (BRIC) operations g. Jubilee Springs and WS Consolidated Aquifer
2G	Prevent emerging contaminants such as pharmaceuticals, silicone, microplastics, and cyanobacteria				<ol style="list-style-type: none"> a. Protect public water supply b. Protect food web
3. Promote Water Based Industry and Enterprise					
3A	Develop Buffalo as a major state port/support waterborne transportation				<ol style="list-style-type: none"> a. Encourage the siting, including locations under jurisdiction of state public authorities, of land use and development which is essential to or in support of waterborne transportation of cargo and people

Goal/Policy		Impact			Indicators
#	Objective	0	+	-	Please describe the projects impact on:
3B	Protect existing, and encourage new, water dependent and related uses				<ul style="list-style-type: none"> a. Waterborne industrial transport associated with the grain elevators and other water dependent industrial users located on industrially zoned waterfront land such as Kelly Island b. Opportunities to expand water borne transport c. Recreational and commercial boating throughout the City's waterfront
3C	Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters				<ul style="list-style-type: none"> a. Potential adverse impacts or interference with the continued operation of existing water-dependent uses, including those listed in the Inventory Section III.E b. Support for the development of new water-dependent uses where: <ul style="list-style-type: none"> i. The need for dredging is minimized ii. Waterside and landside access, as well as upland space for parking and other facilities, is adequate iii. Necessary infrastructure exists or is easily accessible, including adequate shoreline stabilization structures, roads, water supply and sewage disposal facilities, and vessel waste pump-out and waste disposal facilities iv. Water quality classifications are compatible v. Impacts to important natural resources, such as wetlands and fish and wildlife habitats, could be avoided or minimized to the greatest extent practicable a. Public access to the water's edge can be maintained, to the greatest extent practicable
3D	Strengthen economic base of smaller harbor areas				<ul style="list-style-type: none"> a. Support and increase "blue economy" enterprise and water dependent institutions and businesses
3E	Make sound decisions on the siting and construction of major energy facilities				<ul style="list-style-type: none"> a. Thoroughly examine and document potential adverse impacts to: <ul style="list-style-type: none"> i. The environment ii. The Buffalo community's use and enjoyment of local waters for recreation, transportation and economic development
4. Encourage Commercial and Recreational Boating					
4A	Provide launches & platforms for human powered boating in suitable locations				<ul style="list-style-type: none"> a. Adjacent upland and in-water uses including attractions, parks, boat storage, and public restrooms b. Avoidance of U.S. Coast Guard designated safety/security zones and sensitive ecological areas c. Health and safety factors including larger vessel traffic, water quality and presence of detritus
4B	Minimize potential safety hazards at access points for human-powered boating				<ul style="list-style-type: none"> a. Operational measures to secure the facility to avoid unmonitored use b. Appropriate training of users c. Safety measures to avoid conflicts with commercial vessels, including communication with water dependent industrial users d. Safety measures for avoiding exposure to contaminated water and sediments

Goal/Policy		Impact			Indicators
#	Objective	0	+	-	Please describe the projects impact on:
4C	Design piers, docks & boating facilities to accommodate multiple water dependent uses, wide range of users & dynamic water levels				<ul style="list-style-type: none"> a. Potential uses include recreational boating (motorized and human powered), historic and educational ships, passenger ferries, and charter facilities b. Use of universal design c. Impacts of high winds, seiche and flood events, climate change and long term lake level decline
4D	Incorporate safety features on bulkheads such as safety ladders				
4E	Minimize conflicts between recreational, commercial, and freight vessels				<ul style="list-style-type: none"> a. Giving priority to commercial vessels when determining rights to navigable waters b. Siting recreational boating facilities, particularly those serving vessels with limited power and maneuverability, in waters without heavy concentrations of maritime activity c. Siting, mooring, or docking facilities for recreational boats in areas where there is adequate natural protection or where structurally adequate and environmentally sound protection can be created d. Siting facilities for human & wind powered vessels to avoid locations with strong currents & those prone to heavy wave or wake action
4F	Minimize impact of commercial & recreational boating activities/facilities on aquatic environment and surrounding land and water uses				<ul style="list-style-type: none"> a. Compliance with Lake Erie No Discharge Zone and other vessel waste discharge regulations and the provision of adequate pump out facilities
4G	Manage harbor operations to protect ecological resources				<ul style="list-style-type: none"> a. Buffalo River and City Ship Canal project in-situ capping and ecological restoration sites
4H	Minimize adverse impacts from CDFs in the LWRA				<ul style="list-style-type: none"> a. Potential contamination impacts on water quality and habitat; and b. Periodic monitoring of water quality in adjacent recreational and habitat area waters
5. Build Water-Enhanced Places that Enliven the Waterfront and Attract the Public					
5A	Direct new water enhanced, mixed use development to areas identified in Section VII of the Inventory				
5B	Protect and enhance natural and manmade features which contribute to the scenic quality of the LWRA				<ul style="list-style-type: none"> a. Great Lakes Seaway Trail National Scenic Byway b. marinas, piers, wharfs and mooring areas as unique waterfront landscapes

Goal/Policy		Impact			Indicators
#	Objective	0	+	-	Please describe the projects impact on:
5C	Protect & enhance Niagara River Globally Significant Important Bird Area viewing sites Protect and enhance Niagara River Globally Significant Important Bird Area viewing sites				a. Niagara River Globally Significant Bird Area viewing sites
5D	Protect and enhance historic resources				a. Native American archeological resources b. War of 1812 c. Erie Canal d. Historic waterfront grain elevators e. Underground Railroad structures and routes f. Waterfront industrial heritage resources g. Waterfront Frederick Law Olmsted parks, particularly park features designed to provide views of and access to the City's waterways h. Historic waterfront lighthouses and bridges i. Other historic resources
5E	Actions and development should provide multi-modal transportation facilities				a. Streets should enable safe access for all users including persons with disabilities, pedestrians, bicyclists, motorists, and transit riders b. Streets should be designed to be consistent with the Transportation Network article of the Buffalo Unified Development Ordinance
5F	Achieve local waterfront transportation objectives				a. Seaway Trail as the City's primary multi-modal local waterfront transportation corridor b. Shoreline Trail and Jesse Kregel multi-modal off-road routes c. Route 198's impact on waterfront ecological, historic, and public access resources d. Pedestrian connections below Route 190 in Black Rock Riverside e. Connections below Route 190 downtown by straightening Erie Street from Thruway Toll Plaza land along Black Rock Canal for public access f. Virginia/Carolina exchange g. Minimize at grade parking facilities within the LWRA to preserve land for public access along the water's edge and adjacent in-land commercial development h. Minimize waterfront truck traffic to the maximum extent practicable, redirecting through traffic to non-waterfront routes while supporting truck traffic associated with local businesses i. Connection between the Main Street and the waterfront through the Cars on Main Street effort and improvements to the Erie Street Ellicott radial

Goal/Policy		Impact			Indicators
#	Objective	0	+	-	Please describe the projects impact on:
5G	Long Term Waterfront Transportation Goals				<ul style="list-style-type: none"> a. Reduce the I-190 Expressway's waterfront footprint and adverse impacts on public access and property values; early options include relocation of the I-190 in Black Rock/Riverside to the Tonawanda rail corridor and/or the conversion of Route I-190 to a boulevard b. Reduction of the impact of the I-198/I-190 interchange on Scajaquada Creek, Black Rock Canal and the Scajaquada Harbor redevelopment areas, public access and property values c. Develop the Buffalo River Greenway as the southern complement to the Jesse Kregel/Scajaquada Creek Trail system d. Construct a connection between the Tiff Street and Route 190 to redirect truck traffic from the waterfront inland and support the redevelopment of the South Buffalo Brownfield Opportunity Area e. Analyze the impact of removing the Skyway bridge overpass f. Mitigate the barrier to the waterfront created by the rail corridor
5H	Utilize signage within the WRA to assist in wayfinding & celebrate unique WRA cultural, recreational & environmental features				<ul style="list-style-type: none"> a. The Unified Development Ordinance; b. federal National Scenic Byway signage regulations; and c. Niagara River Greenway signage guidelines.
6. Promote Buffalo as an International Gateway					
6A-6H	Promote Buffalo as an International Gateway				<ul style="list-style-type: none"> a. Support the location of water dependent or enhanced International Trade Gateway hard and soft infrastructure b. Revitalize former industrial structures and vacant lands along Niagara Street, north of the Peace Bridge to Ferry Street c. Develop international gateway landscapes d. Improve connections between the US Shoreline Trail and the Niagara River Parkway trail bicycle and pedestrian trail system e. Encourage and expand cross-border recreational boating and fishing with clearly identified marine border check-in sites f. Improve passenger train connections along the waterfront from downtown Buffalo through Niagara Falls to Toronto g. Facilitate efficient border crossing for travelers at the Peace Bridge and other Western New York border entry points h. Improve cross border interpretation of the War of 1812, Underground Railroad and shared ecological restoration efforts i. Minimize adverse impacts of international gateway functions on WRA, with emphasis on vulnerable environmental justice populations, migratory bird populations, historic resources, and water resources
7. Protect and Rebuild the Lake Erie/Niagara River Food Web					
7A	Expand recreational use of fish and wildlife resources				<ul style="list-style-type: none"> a. Habitat sites - including breeding grounds, identified in the Inventory Section II.C b. Native fish stocks - efforts to restore sustainable populations of indigenous fish living in the Lake Erie, the Niagara River, Buffalo River and Scajaquada Creek systems as discussed in the Inventory Section II.D c. Fishing access sites - wildlife viewing facilities as identified in the inventory section II.C

Goal/Policy		Impact			Indicators
#	Objective	0	+	-	<i>Please describe the projects impact on:</i>
7B	Protect significant fish and wildlife coastal habitats				a. Times Beach, North Buffalo Harbor, Buffalo Harbor State Park, & Tiff Nature Preserve state-designated Significant Coastal Fish & Wildlife Habitats, as described in Inventory Section II C1 and on Map 11
7C	Protect wetlands				
7D	Further develop commercial finfish, shellfish and crustacean resources in the coastal area				a. Construction of new or improved on shore commercial fishing facilities b. Market seafood products c. Maintain adequate stocks d. Expand aquaculture facilities
7E	Protect fish and wildlife from effluent discharge from steam, electric generating, and industrial facilities into coastal waters				a. Migratory, spawning and nursery patterns of Niagara River and Lake Erie fish and wildlife communities
7F	Water intakes shall minimize impingement or entrainment of fish and wildlife				
7G	Protect, preserve, improve & restore publicly-owned habitat areas				a. Areas identified as habitats of local significance in Inventory Section II.C.1
7H	Protect and restore naturalized shoreline areas				a. Protect State and Federal wetlands b. Construct wetlands per the Buffalo and Niagara River Remedial Action Plan habitat restoration objectives
7I	Prevent the introduction of aquatic invasive species to the Great Lakes				
7J	Protect public health from contaminated fish				a. Reduce contamination and restore local fisheries such that New York State Department of Health Fish Consumption Advisories are no longer required to protect public health b. Educate local subsistence anglers on fish consumption advisory provisions
7K	Protect the Niagara River Globally Significant Important Bird Area				a. Protect and enhance bird habitat areas b. Avoid disruptions to bird migration to the maximum extent practicable

Goal/Policy		Impact			Indicators
#	Objective	0	+	-	Please describe the projects impact on:
8. Provide Public Water Access in Support of the Public Trust					
8A	Provide access to publicly owned foreshore and adjacent lands				<ul style="list-style-type: none"> a. Retain such lands in public ownership b. Impact public access to publicly owned foreshore and adjacent lands c. Public ownership of foreshore and adjacent lands
8B	Protect and increase public water related recreation resources and facilities				<ul style="list-style-type: none"> a. Existing public waterfront access and water dependant recreation facilities as identified in the Inventory Habitat, Marina and Recreation sections b. Development and implementation of a long term parks/recreation/open space master plan for the LWRA c. Limits on public access and recreational activities where uncontrolled public use would lead to disruption of the environmental cleanup measures or fish and wildlife resources
8C	Encourage water dependent and water enhanced recreational uses				
8D	Development, adjacent to the shore will provide for water-related recreation				<ul style="list-style-type: none"> a. <i>Whenever such recreational use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development</i>
9. Maximize Coastal Resiliency					
9A	Minimize damage from flooding by protecting natural protective features				<ul style="list-style-type: none"> a. <i>Times Beach Nature Preserve, Outer Harbor Greenbelt (including Bell Slip), Gallagher Beach, Cazenovia Park, LaSalle Park and Delaware Park/Hoyt Lake/Scajaquada Creek and Squaw Island</i>
9B	Minimize property damage and risk to humans from flooding and erosion				<ul style="list-style-type: none"> a. <i>Preserve publicly held waterfront open space</i> b. <i>Require new development to be set back from the high water mark</i> c. <i>Require the maintenance of a vegetated riparian buffer</i> d. <i>Require on site storm water management for most new development</i> e. <i>Comply with City Flood Damage Protection laws</i> f. <i>Meet FEMA and HUD construction and insurance requirements</i> g. <i>Contribute to regional flood prevention efforts</i>
9C	Where possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion				
9D	Activities and development will not result in an increase in erosion				<ul style="list-style-type: none"> a. <i>Development</i> b. <i>Construction or reconstruction of erosion protection structures,</i> c. <i>Other activities</i>

Goal/Policy		Impact			Indicators
#	Objective	0	+	-	Please describe the projects impact on:
9E	Construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least 30 years				a. As demonstrated in design and construction standards and/or assured maintenance or replacement programs
9F	Utilize public funds to protect key features from erosion				a. Bird Island Pier, Harbor breakwalls and Erie Basin Marina to protect the City shoreline from Lake Erie related flooding and erosion b. Erosion control structures that protect the Colonel Ward Pumping Station and Buffalo Sewer Authority Bird Island Treatment Plant c. Erosion control structures associated with LWRA remediated sites or confined disposal facilities d. Erosion control structures associated with LWRA waterfront transportation facilities
9G	Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes				a. Shall not interfere will natural processes which supply beach material to land adjacent to such waters b. Shall be undertaken in a manner which will not cause an increase in erosion of such land
9H	Ice Management shall not interfere with hydroelectric power production, damage fish and wildlife & their habitats, or increase shoreline erosion or flooding				c. Periodically review the Niagara River Ice Boom to determine the impacts of ice boom operations on water recreation and industry, the Buffalo microclimate and growing season, Lake Erie evapotranspiration rates and water levels, fish and wildlife and their habitats and Niagara River erosion and sedimentation patterns. Potential adverse impacts should be avoided to the maximum extent practicable and mitigated where avoidance is not possible
9I	Preserve the natural protective function of key coastal areas				a. Times Beach Nature Preserve b. Outer Harbor Greenbelt (including the Bell Slip) c. Tiff Nature Preserve d. Gallagher Beach e. Cazenovia Park f. Stachowski Park g. Seneca Bluffs h. LaSalle Park i. Delaware Park j. Jesse Kregal Pathway k. Unity Island l. Local habitat areas

Goal/Policy		Impact			Indicators
#	Objective	0	+	-	Please describe the projects impact on:
9J	Maintain and protect shoreline protective features				<ul style="list-style-type: none"> a. Bird Island Pier, Buffalo Harbor break walls and the Erie Basin Marina to protect the City shoreline from Lake Erie related flooding and erosion b. Erosion control structures that protect the Colonel Ward Pumping Station and Buffalo Sewer Authority Bird Island Treatment Plant; c. Erosion control structures associated with WRA remediated sites or confined disposal facilities d. Erosion control structures associated with WRA waterfront transportation facilities
9K	Consider the potential impacts of climate change on the Buffalo WRA				<ul style="list-style-type: none"> a. Buffalo's unique location on the Niagara River strait b. Bi-national water level management agreements c. Permitted discharge agreements d. Dredging, ice and flood management activities
9L	Periodically review Niagara River Ice Boom to determine potential adverse				<ul style="list-style-type: none"> a. Water recreation and industry b. The Buffalo microclimate and growing season c. Lake Erie evapotranspiration rates and water levels d. Fish and wildlife and their habitats e. Niagara River erosion and sedimentation patterns
10. Minimize Environmental Degradation from Solid Waste and Hazardous Substances					
10A	Protect fish and wildlife from hazardous wastes				
10B	Minimize adverse impacts of dredging activities				<ul style="list-style-type: none"> a. Minimize adverse impacts from CDFs in the LWRA b. Protect in situ treatment and habitat areas from dredging activities in the Buffalo River and City Ship Canal
10C	Prevent or minimize spills into coastal waters from shipment and storage of petroleum and other hazardous materials				<ul style="list-style-type: none"> a. All practicable efforts will be taken to expedite the cleanup of such discharges b. Restitution for damages will be required when these spills occur
10D	Minimize adverse impacts to LWRA from solid and hazardous wastes				
10E	Support strategic removal of contaminated sediments in the Buffalo River				
10F	Characterize and address LWRA contaminated sediment and botulism concerns				<ul style="list-style-type: none"> a. Scajaquada Creek b. Hoyt Lake c. Mirror Lake d. South Park Lake
10H	City EMS shall review plans for the prevention and control of petroleum and				

Goal/Policy		Impact			Indicators
#	Objective	0	+	-	Please describe the projects impact on:
	chemical discharges within the LWRA				
10I	Existing chemical or petroleum facilities must minimize adverse impacts on the LWRA				a. Water pollution, air pollution, noise pollution, obnoxious odors, litter, vector infestation and other conditions harmful to the public health
Other Selected State Policies					
NYS 6	Expedite LWRA permit procedures				
NYS 29	Development of offshore uses and resources, including renewable energy resources, shall accommodate NYS's long-standing ocean and Great Lakes industries				such as: a. commercial and recreational fishing; b. maritime commerce; and c. the ecological functions of habitats important to New York.

D. COASTAL ASSESSMENT (Check either "Yes" or "No" for each of the following questions)

		Yes	No
1.	Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the coastal area map:		
	(a) Significant fish or wildlife habitats?		
	(b) Scenic resources of local or statewide significance?		
	(c) Important agricultural lands?		
	(d) Natural protective features in an erosion hazard area?		
	If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.		
2.	Will the proposed action have a significant effect upon:		
	(a) Commercial or recreational use of fish and wildlife resources?		
	(b) Scenic quality of the coastal environment?		
	(c) Development of future, or existing water dependent uses?..		
	(d) Operation of the State's major ports?		
	(e) Land or water uses within a small harbor area?		
	(f) Stability of the shoreline?		
	(g) Surface or groundwater quality?		
	(h) Existing or potential public recreation opportunities?		
	(i) Structures, sites or districts of historic, archeological or cultural significance to the City of Buffalo, State or nation?		
3.	Will the proposed action involve or result in any of the following:		
	(a) Physical alteration of land along the shoreline, land under water or coastal waters?		
	(b) Physical alteration of two (2) acres or more of land located elsewhere in the coastal area?		
	(c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area?		
	(d) Energy facility not subject to Article VII or VIII of the Public Service Law?		
	(e) Mining, excavation, filling or dredging in coastal waters?		
	(f) Reduction of existing or potential public access to or along the shore?		
	(g) Sale or change in use of publicly-owned lands located on the shoreline or under water?		
	(h) Development within a designated floor or erosion hazard area?		
	(i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?		
	(j) Construction or reconstruction of erosion protective structures?		
	(k) Diminished surface or groundwater quality?		
	(l) Removal of ground cover from the site?		
4.	Project		
	(a) If a project is to be located adjacent to shore:		
	(1) Will water-related recreation be provided?		
	(2) Will public access to the foreshore be provided?		
	(3) Does the project require a waterfront site?		
	(4) Will it supplant a recreational or maritime use?		
	(5) Do essential public services and facilities presently exist at or near the site?		
	(6) Is it located in a flood prone area?		
	(7) Is it located in an area of high erosion?		

		Yes	No
(b)	If the project site is publicly owned:		
(1)	Will the project protect, maintain and/or increase the level and types of public access to water-		
(2)	If located in the foreshore, will access to those and adjacent lands be provided?		
(3)	Will it involve the siting and construction of major energy facilities?		
(4)	Will it involve the discharge of effluents from major steam electric generating and industrial facilities into coastal facilities?		
(c)	Is the project site presently used by the community neighborhood as an open space or recreation area?		
(d)	Does the present site offer or include scenic views or vistas known to be important to the community?		
(e)	Is the project site presently used for commercial fishing or fish processing?		
(f)	Will the surface area of any waterways or wetland areas be increased or decreased by the proposal?		
(g)	Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?		
(h)	Will the project involve any waste discharges into coastal waters?		
(i)	Does the project involve surface or subsurface liquid waste disposal?		
(j)	Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?		
(k)	Does the project involve shipment or storage of petroleum products?		
(l)	Does the project involve discharge of toxics, hazardous substances or other pollutants into coastal waters?		
(m)	Does the project involve or change existing ice management practices?		
(n)	Will the project affect any area designated as a tidal or freshwater wetland?		
(o)	Will the project alter drainage flow, patterns or surface water runoff on or from the site?		
(p)	Will best management practices be utilized to control storm water runoff into coastal waters?		
(q)	Will the project utilize or affect the quality or quantity of sole source or surface water supplies?		
(r)	Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates?		

D. REMARKS OR ADDITIONAL INFORMATION: (Add any additional sheets to complete this form.)

If assistance or further information is needed to complete this form, please contact Office of Strategic Planning at 851-5029.

Preparer's Name: _____ Telephone Number: _____

Title: _____ Agency: _____ Date: _____